

intended, as to what we are trying to accomplish, and as to whether or not this is the best way to accomplish it.

I commend my colleagues for their effort. I think they have had for a long time the idea of a commission—a long time before a lot of other people who are now calling for one. They have had this vision. Quite frankly, I have tried to keep an open mind with regard to the wisdom of it. I sit on the Intelligence Committee. Right now, we are having bipartisan and bicameral hearings with regard to many issues, some of which have to do with 9/11.

I ask my colleagues—either or both of them—how they view the role of the commission with regard to the intelligence issues.

I am wondering whether we could probe very deeply and successfully into what happened with regard to 9/11, including any intelligence breakdown, and still come away with a not very good analysis of the difficulties we are having in the intelligence community.

Is it the best thing to do to have a commission that has a rather broad mandate with regard to anything and everything and at any level of Government with regard to September 11 of which intelligence would be a part? Is that better than maybe a deeper probe that is more narrowly focused with regard to our intelligence failures? Because most of us believe that is at the heart of the difficulties we saw in relation to September 11.

I have had the opportunity to read the amendment once. I notice the functions of the commission are to conduct investigations that may include relevant facts relating to intelligence agencies. But “intelligence agencies” is mentioned, along with a lot of other agencies: “law enforcement agencies;” “immigration, nonimmigrant visas, and border control;” “the flow of assets to terrorist organizations;” and other areas of concern that are not agencies, such as “commercial aviation” and “diplomacy.” I am not sure what that means.

But I would ask my colleagues what went into their thinking, what is the state of their thinking with regard to that issue. Is it best to have the broader scope that might trip lightly over intelligence issues? Would that be better than having a more detailed and narrow inquiry as to intelligence failures?

I would ask my friend from Arizona what his thinking is with regard to that.

Mr. MCCAIN. Madam President, I ask unanimous consent that Senator LIEBERMAN, Senator THOMPSON, and I be allowed to enter into a colloquy for the exchange of comments to one another.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I thank you, Madam President.

I say to my friend from Tennessee, first of all, our amendment explicitly

states—and we would be glad to report language, with the assistance of the Senator from Tennessee, to point out that clearly intelligence is a central and perhaps most important aspect of any investigation of this nature. The Senator mentioned that there are a number of other factors we would want to take into consideration.

While the Senator was off the floor, I pointed out that we turned our back on Afghanistan after 1989. What were the reasons for that? And what were the diplomatic or national security factors that led to that decision being made?

However, having said that, it is clear intelligence plays a featured role in any investigation. But I am also a little bit concerned—and I wonder if the Senator from Tennessee is concerned—about a report in the Washington Post where, “[Senator] Shelby acknowledged that the congressional probe would be incomplete. ‘I’m afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be some things that we don’t know because we hadn’t had time to probe them and we have not had enough cooperation,’ he said.”

As I respond, I wonder if the Senator from Tennessee has that concern, as expressed by Senator SHELBY.

Mr. THOMPSON. I would say, in response, that I indeed have had that concern as that investigation has gone along. And we have seen the various problems we have had with it and the various difficulties we have had internally and externally, and with the time limitation we placed on ourselves in this intelligence investigation. And I was concerned a long time about where we were going to end up and whether we were going to be in a position of assuring the American people that we had done more than we had really done.

I will have more to say on that later. I still want to keep my powder as dry as I can for as long as I can because it is ongoing and hope springs eternal.

But I certainly do have concern about that, which gets me back to my original concern about where intelligence ought to play in this inquiry.

I appreciate the Senator’s reassurance with regard to that, and its importance and, perhaps, central function, central role. But I wonder; it concerns me when I see that put together with immigration issues, and aviation issues, and diplomacy issues.

For example, I would be interested and would like, if we could get the right kind of people and the right kind of objectivity, to have a session as to our policies with regard to reaction ever since the bombings in Beirut, to the attack on the USS *Cole*, to the events in Somalia, and all of that.

What effect did all of that have on all of this? Did that embolden people around the world, who have ill intent toward us, to do some of these things? Those are very interesting, important issues. But can we take on all of that within—what do we have here?—a

year’s timeframe for this investigation?

Mr. LIEBERMAN. Responding to the Senator, a total of 18 months, with a preliminary report due after 6 months.

Mr. THOMPSON. All right. Well, that is more than the Intelligence Committee has had. I must concede that. But the question really is, Can we do all of that? We are combining some things that would be very subjective, very politically sensitive. Hopefully, we will have the kind of people on this commission to be able to deal with that, along with some very detailed inquiry with regard to the intelligence community.

Is that the best way to go? Can we really hope that at the end of the day we have been able to do all of that?

That leads me to my second question, I suppose, and that is in regard to access to information. As I read through this, there is a provision for “Information From Federal Agencies” for this commission. On page 9 of the amendment, it says:

The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

I am not sure that—let’s just say for the purposes of this discussion—having access with regard to intelligence agencies, with regard to suggestions, estimates, and statistics would do us very much good.

Now, the right kind of information would be helpful, but is the intent here that this commission will be able to go into these agencies, regardless of what they are?

Also, you have another provision in here that provides for clearance and providing access to people with sensitive information.

But is the intention to provide the members and/or staff of this agency with the authority and the ability to go into these agencies and to review the most sensitive information?

I think back to the Rumsfeld Commission, which I think most people would agree was a very successful enterprise, dealing with issues of missile technology and nuclear capability of various countries, and so forth, very sensitive information. It was done successfully.

A lot of these people were scientists and the same kind of people, perhaps, in many respects that your commission would adopt. They have done that very successfully. I am wondering if someone some months hence would read this document and say: We did not intend to do that. Whatever reports are out there, analyze those reports. But we didn’t have any intention for you going in and really getting something that they didn’t want to give you.

I think that is relevant because apparently we still have to make the White House a believer that this is a good idea. I am wondering, in terms of